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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Date	EK469907056US September 27, 2001

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility Patent application contents.

<input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)		<input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	
<input checked="" type="checkbox"/> Specification Total Pages: 83 (Preferred arrangement set forth below) <ul style="list-style-type: none"> - Descriptive title of the invention - Cross Reference to Related Application - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claims - Abstract of the Disclosure 		Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Computer Readable Form (CRF) Specification Sequence Listing on: <input type="checkbox"/> CD-ROM or CD-r (2 copies) or <input checked="" type="checkbox"/> Paper <input checked="" type="checkbox"/> Statements verifying identity of above copies 	
ACCOMPANYING APPLICATION PARTS			
<input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 5		<input type="checkbox"/> Assignment Papers (cover sheet & documents) <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <input type="checkbox"/> English Translation Document (<i>if applicable</i>) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Copies of IDS (IDS) / PTO-1449 Citations <input type="checkbox"/> Preliminary Amendment <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
<input checked="" type="checkbox"/> Oath or Declaration Total Pages 1 <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Newly UNexecuted (original or copy) <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (For continuation/divisional with Box 17 completed) 		<input type="checkbox"/> Certified Copy of Priority Document(s) (If foreign priority is claimed) <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach from PTO/SB/35 or its equivalent <input checked="" type="checkbox"/> Other: Copy of NRRL Deposit Receipts and NRRL Viability Statements	
<input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-In-Part (CIP) of prior application no.

Prior application information: Examiner: Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

Correspondence Address

Customer Number:



25278

Name	Margaret A. Connor PATENT TRADEMARK OFFICE	Registration No. (Attorney/ Agent)	30,043
Signature	Margaret A. Connor	Date	September 27, 2001

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FEE TRANSMITTAL FY2001

(Patent fees are subject to annual revision)

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Express Mail No.	EK469907056US
Date of Mailing	September 27, 2001
Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Linda S. Thomashow et al.
Examiner Name	
Group Art Unit	

TOTAL AMOUNT OF PAYMENT (\$ 710.00)

Attorney Docket No. 0229.99

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																															
<p>The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:</p> <p>Deposit Account Number: 23-1058 Deposit Account Name: USDA-ARS-OTT Patent Advisor</p>				<p>3. Additional Fees</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130.00</td><td>Surcharge – late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50.00</td><td>Surcharge – late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130.00</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520.00</td><td>For filing a request for examination</td><td></td></tr> <tr><td>112</td><td>920.00*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840.00*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110.00</td><td>Ext. for reply within first month</td><td></td></tr> <tr><td>116</td><td>390.00</td><td>Ext. for reply within second month</td><td></td></tr> <tr><td>117</td><td>890.00</td><td>Ext. for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390.00</td><td>Ext. for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890.00</td><td>Ext. for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310.00</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310.00</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270.00</td><td>Request an oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510.00</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110.00</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240.00</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,240.00</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440.00</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600.00</td><td>Plant issue Fee</td><td></td></tr> <tr><td>122</td><td>130.00</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50.00</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240.00</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581</td><td>40.00</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>690.00</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>690.00</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td colspan="4">Other Fee (specify)</td></tr> <tr><td colspan="4">* Reduced by Basic Filing Paid</td></tr> <tr> <td colspan="4"></td> <td colspan="4">Subtotal (3) \$ 0.00</td> </tr> </tbody> </table>				Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130.00	Surcharge – late filing fee or oath		127	50.00	Surcharge – late provisional filing fee or cover sheet		139	130.00	Non-English specification		147	2,520.00	For filing a request for examination		112	920.00*	Requesting publication of SIR prior to Examiner action		113	1,840.00*	Requesting publication of SIR after Examiner action		115	110.00	Ext. for reply within first month		116	390.00	Ext. for reply within second month		117	890.00	Ext. for reply within third month		118	1,390.00	Ext. for reply within fourth month		128	1,890.00	Ext. for reply within fifth month		119	310.00	Notice of Appeal		120	310.00	Filing a brief in support of an appeal		121	270.00	Request an oral hearing		138	1,510.00	Petition to institute a public use proceeding		140	110.00	Petition to revive – unavoidable		141	1,240.00	Petition to revive – unintentional		142	1,240.00	Utility issue fee (or reissue)		143	440.00	Design issue fee		144	600.00	Plant issue Fee		122	130.00	Petitions to the Commissioner		123	50.00	Petitions related to provisional applications		126	240.00	Submission of Information Disclosure Statement		581	40.00	Recording each patent assignment per property (times number of properties)		146	690.00	Filing a submission after final rejection (37 CFR § 1.129(a))		149	690.00	For each additional invention to be examined (37 CFR § 1.129(b))		Other Fee (specify)				* Reduced by Basic Filing Paid								Subtotal (3) \$ 0.00			
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Name (Print/Type)	Margaret A. Connor	Registration No.	30,043	Telephone	510-527-1418 or 510-559-6067																																																																																																																														
Signature	<i>Margaret A. Connor</i>			Date	September 27, 2001																																																																																																																														

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NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Linda S. Thomashow et al.
	Title	Sequences Encoding PhzO and Methods
	Atty Docket No.	0229.99
	Express Mail No. / Date	EK469907056US September 27, 2001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 27, 2001

Date

Margaret A. Connor

Signature

Margaret A. Connor

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

Docket No. 0229.99

PATENT

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Date of Deposit: September 27, 2000

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Margaret A. Connor

(Typed or Printed Name of Person Mailing Paper or Fee)

Margaret Connor

(Signature of Person Mailing Paper or Fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
LINDA S. THOMASHOW ET AL.)
Sequences Encoding PhzO and Methods)
Plant Root Diseases)

STATEMENT OF SEQUENCE CORRESPONDENCE

The Honorable

The Director of Patents & Trademarks

Sir:

I hereby state that the sequence information recorded in the computer readable form (CRF) copy of the Sequence Listing filed herewith in accordance with 37 CFR 1.821(e) is the same as the sequence information in the paper copy of the Sequence Listing filed in accordance with 37 CFR 1.821(c), submitted herewith, and includes no new matter.

The computer readable form (CRF) of the sequence listing was prepared using PatentIn Version 3.1; Machine Format: IBM-PC; Operating System: MS-Windows; List of Files: PhzO.ST25, File size: 16KB; Text Document created September 24, 2001.

Respectfully submitted,

Margaret Connor

Margaret A. Connor
Attorney of Record
Registration No. 30,043

Telephone: (510) 527-1418 or (510) 559-6067

Enclosures:

Computer Readable Form (CRF) of Sequence Listing
Paper Copy of Sequence Listing